

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2005-13-WS - ORDER NO. 2007-243

APRIL 13, 2007

IN RE: Application of Wyboo Plantation Utilities,)	ORDER GRANTING
Inc. for Approval of New Schedule of Rates)	MOTION TO BE
and Charges for Water and Sewer Services.)	RELIEVED AS COUNSEL

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Motion to be Relieved as Counsel of John F. Beach and Ellis, Lawhorne & Sims, P.A. (collectively, "Ellis Lawhorne"). Ellis Lawhorne moves that this Commission issue an order relieving Ellis Lawhorne as counsel for Wyboo Plantation Utilities, Inc. ("WPU" or the "Company") in this proceeding regarding the application of WPU for a new schedule of rates and charges for water and sewer services.


Ellis Lawhorne asserts in its Motion that WPU is indebted to Ellis Lawhorne in excess of \$130,000 in legal fees and costs incurred by Ellis Lawhorne in its representation of WPU. According to Ellis Lawhorne, the \$130,000 in legal fees and costs were mostly incurred by Ellis Lawhorne's representation of WPU in this docket. Ellis Lawhorne states that it has given warning to WPU that it would withdraw as counsel unless the obligation of fees and costs incurred were fulfilled, and, according to Ellis Lawhorne, WPU has failed to fulfill the obligation in response to Ellis Lawhorne's warning.

Pursuant to Rule 1.16(b)(5) of Rule 407, “Rules of Professional Conduct”, of the South Carolina Appellate Court Rules, “a lawyer may withdraw from representing a client if...(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyers’ services or payment therefore and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.”

We find that WPU has substantially failed to fulfill its obligation to Ellis Lawhorne regarding payment for Ellis Lawhorne’s legal services and that Ellis Lawhorne gave WPU a reasonable warning that it would withdraw unless WPU’s obligation was fulfilled. Accordingly, we find that the Motion to be relieved as counsel should be granted, and it is herein granted.


This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O’Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)